

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE FARM FIRE AND
CASUALTY COMPANY,

Plaintiff,

v.

RUTH BAKER, et al.,

Defendants.

CASE NO. C13-1450 RAJ

ORDER

This matter comes before the court on plaintiff's motion for summary judgment in this insurance dispute. Dkt. # 14. The underlying claim was brought by defendant Brittany Baker against her adoptive parents. Brittany Baker alleges that she was sexually abused by Mr. Baker from when she was six to nine years old (1992 to 1995). Plaintiff argues that summary judgment is appropriate based on the applicable policy language that excludes coverage for bodily injury to an insured, like Brittany Baker, who was under the age of 21 and was a resident of the household and in the care of the named insureds. Dkt. # 14 at 7. In opposition, defendants request denial under Rule 56(d), among other reasons. Dkt. # 22 at 12.

1 The court has grave concerns regarding adopting the accuracy of the insurance
2 policies presented to the court without first allowing defendants to test the accuracy.
3 Plaintiff has freely admitted that it has previously misquoted applicable policy language,
4 quoted policy endorsements that were not actually included in the certified policy record,
5 and what was previously identified as a “Certified Policy Record” may not have been
6 “certified” because it related to a policy in effect from 1992 to 1995, for which the
7 underwriting file no longer exists. The court notes that even the purported “Certified
8 Policy Record” is not a complete record because some of the documents and coverage
9 information was not available.

10 The court believes that defendants are entitled to pursue additional discovery to
11 ensure that there are no disputes that the exclusions cited by plaintiff were in fact a part
12 of the applicable policy.

13 For all the foregoing reasons, the court GRANTS defendants’ Rule 56(d) request
14 and DENIES plaintiff’s motion for summary judgment without prejudice. The court
15 notes, however, that going forward, it will not entertain multiple summary judgment
16 motions from one party against the same opposing party. Each party may file one
17 summary judgment motion against an opposing party. *See* Local Rules W.D. Wash. CR
18 7(e)(3) (“Absent leave of the court, parties must not file contemporaneous dispositive
19 motions, each one directed toward a discrete issue or claim.”).

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21 Dated this 17th day in March, 2014.

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24 The Honorable Richard A. Jones
25 United States District Judge
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